REMARKS

In the Office Action[1], the Examiner rejected claims 1-3, 7-9, and 13-15 under 35 U.S.C. § 103(a) as unpatentable over "Windows XP in a Nutshell" by Karp et al. ("Karp") in view of U.S. Patent 7,206,599 to Lemley ("Lemley"); and rejected claims 4-6 and 10-12 under 35 U.S.C. § 103(a)[2] as being unpatentable over "Microsoft Excel 2002 Version 3.0.6926 SP-3" ("Excel") in view of Lemley.

Applicant amends claims 1, 7, and 17; and cancels claims 4-6 and 10-12 without prejudice or disclaimer. Claims 1-3, 7-9, and 13-15 are pending. Support for the claim amendments can be found in the specification at, for example, page 2, line 24 - page 3, line 3; page 6, line 29 - page 7, line 2; and page 7, lines 5-8.

Applicant respectfully traverses the rejection of claims 1-3, 7-9, and 13-15 under 35 U.S.C. § 103(a) as unpatentable over Karp in view of Lemley. Moreover, the rejection of claims 4-6 and 10-12 under 35 U.S.C. § 103(a) as unpatentable over Excel in view of Lemley has been rendered moot by the cancelation of claims 4-6 and 10-12.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See MPEP § 2142, 8th Ed., Rev. 6 (Sept. 2007). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

[2] At page 5, the Office Action states that claims 4-6 and 10-12 are rejected under 35 U.S.C. § 102(b). However, because the rejection is within the § 103 section of the Office Action and because the rejection cites two references, Applicant understands that claims 4-6 and 10-12 are rejected under 35 U.S.C. § 103(a).

determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." MPEP § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." MPEP § 2141(III). Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP § 2141.02(I), internal citations omitted (emphasis in original).

Claims 1-3, 7-9, and 13-15 would not have been obvious over Karp in view of Lemley because the scope and content of the prior art do not include all of the claimed features, and the differences between the claims and the prior art are such that the subject matter as a whole would not have been obvious.

Amended independent claim 1 recites a method for navigating user interface elements comprising, among other features,

> grouping user interface elements . . . hierarchically into parent groups and sibling groups *based on alphanumeric characters contained in text labels for the user interface elements;* and
>
> detecting a . . . sibling *navigation* input comprising a key press of *a first alphanumeric character . . . identifying a sibling group of user interface elements*, and . . . parent *navigation* input comprising a key press of *a second alphanumeric character . . . identifying a parent group of user interface elements*;

(emphases added). Karp and Lemley, taken alone or in combination, fail to disclose, suggest, or render obvious the claimed method including at least the grouping and detecting steps.

Karp discloses an appendix list of keyboard shortcuts for Windows XP™. See page 559. As noted in the Office Action at page 4, the screen shot of Windows XP™ (Fig. 3) illustrates the use of navigation shortcuts to select items from drop-down menus in Microsoft Word™. However, there is no teaching or suggestion of the menu selections being "group[ed] . . . into parent groups and sibling groups *based on alphanumeric characters contained in text labels for the user interface elements*," as recited by amended claim 1. Indeed, as shown Fig. 3, the menu selections are grouped categorically under an appropriate heading, not "*based on alphanumeric characters contained in text labels for the user interface elements*."

The Office Action asserts, "in summarization, Karp teaches . . . parent navigational controls when activated are identified as having a group of sibling control UI elements and sibling navigational controls . . . identified by the parent navigation navigational control groups." Page 4. Regardless of whether this characterization of Karp is correct, which Applicant does not concede, Karp still fails to disclose or suggest "grouping user interface elements . . . hierarchically into parent groups and sibling groups *based on alphanumeric characters contained in text labels for the user interface elements,*" as recited by amended independent claim 1.

The Office Action correctly admits, "Karp does not specifically disclose that the navigation input comprising a key press of a first and second alphanumeric character." Page 5.

Lemley fails to remedy the deficiencies of Karp. Lemley discloses a mobile telephone handset that "automatically toggles between the navigation and alphanumeric functions of these keys based on where the user is within the interface routine of the

mobile." Abstract. Specifically, "if a menu option is selected that requires numerical or textual data input, navigation keys 10 automatically respond as numerical or textual keys within the alphanumeric mode until the data is entered. Once the data is entered . . . navigation keys 10 automatically return to the navigation mode." Col. 4, ll. 21-24. Lemely, however, fails to disclose or suggest "grouping user interface elements . . . hierarchically into parent groups and sibling groups based on alphanumeric characters contained in text labels for the user interface elements," as recited by claim 1.

The Office Action asserts, "Lemely teaches a navigation input comprising a key press of a first, second, third or fourth alphanumeric character key." Page 5. In Lemely however, when the mobile device functions in the navigation mode, the navigation keys 10 (Fig. 1) do *not* function as "alphanumeric character keys." Only *after* "the data is entered . . . [do the] navigation keys 10 automatically return to the navigation mode." Col. 4, ll. 24-27. Accordingly, Lemely cannot disclose or suggest "detecting a . . . sibling *navigation* input comprising a key press of *a first alphanumeric character . . . identifying a sibling group of user interface elements*, and . . . parent *navigation* input comprising a key press of *a second alphanumeric character . . . identifying a parent group of user interface elements*."

Accordingly, even if Karp and Lemley are combined as proposed in the Office Action, one of ordinary skill in the art would not have found it obvious to provide a method for navigating user interface elements including "grouping user interface elements . . . hierarchically into parent groups and sibling groups based on alphanumeric characters contained in text labels for the user interface elements," as recited by claim 1.

Moreover, notwithstanding these deficiencies in the prior art, one of ordinary skill in the art would not have been motivated to combine Karp and Lemley as proposed in the Office Action. See MPEP § 2143.01(I). As set forth above, Karp describes the functionality of various keyboard shortcuts for Windows XP™. Lemley, on the other hand, deals with integrating "[m]obile telephone handset navigation functions . . . into certain of the alphanumeric keys of the mobile keypad" (Abstract) in order to "decreas[e] the number of keys required, decreas[e] the key density on the keypad, and allow[] for increased key size" (Col. 2, ll. 3-5). Indeed, Lemley's clear purpose is to prevent key spacing from being compromised "as mobiles are made more compact to reduce weight and improve portability." Col. 1, ll. 62-64; and see col. 1, l. 65 col. 2, l. 5.

Users of Windows XP™, however, generally do not have key spacing or key size issues. Keypads for desktop and laptop computers are much larger than those on handheld mobile devices. In addition, there are a variety of peripheral input devices (e.g., a mouse) available for desktop and laptop computers that are not available for mobile devices. Thus, on a desktop or laptop, it is unnecessary for the keyboard to be able to perform all user interface functions for a particular application, because many of these functions may be performed more easily by way of a graphical user interface and a peripheral device. Accordingly, a user of Windows XP™ would have no need on his keyboard for the integrated functions provided by Lemley's mobile handset. One of ordinary skill in the art therefore would not have been motivated to combine Karp and Lemley as proposed in the Office Action. Accordingly, Applicant respectfully submits that "the examiner's conclusion of obviousness is based on improper hindsight

reasoning . . . [in view of] . . . knowledge gleaned only from applicant's disclosure." MPEP § 2145(A).

Independent claims 7 and 13, though of different scope from claim 1, recite features similar to those discussed above in connection with claim 1, and are thus allowable over Karp and Lemley for similar reasons. Claims 2, 3, 8, 9, 14, and 15 are also allowable at least due to their dependence from one of independent claims 1, 7, and 13.

With respect to dependent claims 2, 3, 8, 9, 14, and 15, the Office Action alleges, "Karp teaches . . . creating one or more hierarchical tab chains to contain all user interface elements . . . wherein a node in a tab chain hiierarchy is a container comprising one or more user interface elements . . . ." Page 5. Regardless of whether this characterization is correct, which Applicant does not concede, it does not remedy the fact that the prior art fails to disclose or suggest "group[ing] user interface elements . . . hierarchically into parent groups and sibling groups *based on alphanumeric characters contained in text labels for the user interface elements*," as recited by the independent claims.

For the above reasons, the scope and content of the prior art do not include all of the claimed features, and the differences between claims and the prior art are such that the claimed subject matter as a whole would not have been obvious. Moreover, one of ordinary skill in the art would not have been motivated to combine Karp and Lemley as proposed in the Office Action. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-3, 7-9, and 13-15 under 35 U.S.C. § 103(a) as unpatentable over Karp in view of Lemley.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims. If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, the Examiner is kindly invited to contact the undersigned at 202.216.5118. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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